

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

October 29, 2019

Page 10221

Notice was duly published October 22, 2019 on Page 5 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on October 29, 2019 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Chair Mary Ridder called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier present. Chair Ridder stated that a copy of the Nebraska Open Meetings Act is posted in the meeting room and invited the public to address the Commission. No public comments were received. No announcements were made.

Attention was called to the following proceedings:

Wednesday, October 30, 2019:

**NITC Community Council Meeting**

1:30 p.m. - Commission Hearing Room

Tuesday, November 5, 2019:

**Commission Meeting**

10:00 Commission Hearing Room, Lincoln

911-002 Wireless 911 Annual Surcharge - **Hearing**  
1:30 p.m. - Commission Hearing Room  
Commissioner Tim Schram - Hearing Officer.

RULES AND REGULATIONS

R&R 203 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to amend Title 291, Chapter 3, Motor Carrier Rules and Regulations, to amend provisions of the rules. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson. to enter an Order Opening Docket and Seeking Comment. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

TRANSPORTATION DEPARTMENT

B-1646 In the Matter of the Application of Thuc Van Ngo, d/b/a South Sioux Taxi, South Sioux City, seeking suspension of the Certificate of Public Convenience and Necessity issued in Application No. B-1646 until October 1, 2020. Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to enter an Order granting extension of suspension. Motion passed with

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

---

October 29, 2019

Page 10222

Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

B-1733 In the Matter of the Application of Papio Transport Service, Inc., Papillion, seeking to acquire through consolidation or merger the authority held by Trendy Transports, Omaha, in Certificate No. 1908. Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier, to enter an Order approving merger and cancelling Certificate No. B-1908. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-1865 In the Matter of the Application of Dal Enterprises, LLC, North Platte, seeking suspension of the Certificate of Public Convenience and Necessity issued in Application No. B-1865 until December 31, 2019. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Crystal Rhoades, to enter an Order granting extension of suspension. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-1874 In the Matter of the Application of Yellow Cab Beatrice, Supp. 8 Beatrice, seeking to acquire, through sale and transfer, the authority granted to Leisure Taxi, LLC, Lincoln, in Certificate B-1830. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Tim Schram, to enter an Order granting temporary authority. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-1993 In the Matter of the Application of Dak Family Transportation, LLC, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by van in open class service between points in Douglas, Lancaster, and Sarpy counties over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Dan Watermeier, to enter an Order granting authority as amended. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

PI-227/  
B-1679 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate the safety procedures of RailCrew Xpress Corp., Lenexa, Kansas. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Rod Johnson, to enter an Order opening investigation and scheduling Hearing. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

---

October 29, 2019

Page 10223

## TRANSPORTATION DEPARTMENT (Cont.)

BR-574/  
B-1733        In the Matter of the Application of Papio Transport  
              Service, Inc., Omaha, seeking to establish its rates and  
              charges subject to the Provisions of Neb. Rev. Stat.  
Chapter 75, Articles 1 and 3. Motion made by Commissioner Tim Schram,  
seconded by Commissioner Dan Watermeier, to enter an Order granting  
rates on an emergency basis. Motion passed with Commissioners Rod  
Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier  
voting AYE.

## COMMUNICATIONS DEPARTMENT

C-3206        In the Matter of the Commission, on its own motion, to  
              administer the Nebraska Internet Enhancement Fund. Motion  
made by Commissioner Tim Schram, seconded by Commissioner Crystal  
Rhoades, to enter an Order establishing grant schedule. Motion passed  
with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim  
Schram and Dan Watermeier voting AYE.

C-5067        In the Matter of the Application of TouchTone  
              Communications, Inc., Whippany, New Jersey, seeking a  
Certificate of Authority to provide Interexchange Telecommunications  
Services within the State of Nebraska. Motion made by Commissioner  
Dan Watermeier, seconded by Commissioner Rod Johnson, to enter an  
Order granting application. Motion passed with Commissioners Rod  
Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier  
voting AYE.

C-5076        In the Matter of the Application of Greg Robb, Doniphan,  
              seeking authority to receive telephone service from the  
Hansen exchange of Hamilton Telecommunications. Motion made by  
Commissioner Rod Johnson, seconded by Commissioner Dan Watermeier, to  
enter an Order granting application. Motion passed with Commissioners  
Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan  
Watermeier voting AYE.

NUSF-37.366        In the Matter of Cullen Robbins, Director, Nebraska  
              Universal Service Fund Department of the Nebraska  
Public Service Commission, Complainant, v. Norstan Network Services,  
Inc., Respondent: Motion made by Commissioner Dan Watermeier,  
seconded by Commissioner Tim Schram, to enter an Order dismissing  
Complaint. Motion passed with Commissioners Rod Johnson, Crystal  
Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

October 29, 2019

Page 10224

## COMMUNICATIONS DEPARTMENT (Cont.)

NUSF-99.52 In the Matter of the Nebraska Public Service Commission, on its own Motion, to administer the Universal Service Fund High-Cost Program: Windstream Nebraska, Inc. Broadband Grant Request. Motion made by Commissioner Rod Johnson, seconded by Commissioner Dan Watermeier, to enter an Order granting request to withdraw the Hebron 6F Exchange project application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-99.42 In the Matter of the Nebraska Public Service Commission, on its own Motion, to administer the Universal Service Fund High-Cost Program: Windstream Nebraska, Inc. Broadband Grant Request. Motion made by Commissioner Rod Johnson, seconded by Commissioner Dan Watermeier, to enter an Order granting the application, in part for the Hastings Exchange 3H project. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Motion made by Commissioner Dan Watermeier, seconded by Commissioner Tim Schram, to enter Orders granting applications NUSF-99.50 (Nebraska City RL01 Exchange), NUSF-99.56 (Elmwood RL02 Exchange), NUSF-99.57 (Elmwood RL07 Exchange), and NUSF-99.60 (SE Murdock ILEC Exchange) projects. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades voting NAY.

NUSF-99.50 In the Matter of the Nebraska Public Service Commission, on its own Motion, to administer the Universal Service Fund High-Cost Program: Windstream Nebraska, Inc. Broadband Grant Request;

NUSF-99.56 In the Matter of the Nebraska Public Service Commission, on its own Motion, to administer the Universal Service Fund High-Cost Program: Windstream Nebraska, Inc. Broadband Grant Request;

NUSF-99.57 In the Matter of the Nebraska Public Service Commission, on its own Motion, to administer the Universal Service Fund High-Cost Program: Windstream Nebraska, Inc. Broadband Grant Request; and

NUSF-99.60 In the Matter of the Nebraska Public Service Commission, on its own Motion, to administer the Universal Service Fund High-Cost Program: Windstream Nebraska, Inc. Broadband Grant Request. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades voting NAY.

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

---

October 29, 2019

Page 10225

## COMMUNICATIONS DEPARTMENT (Cont.)

NUSF-108/ PO 3 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to make adjustments to its high-cost distribution mechanism and make revisions to its reporting requirements: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order authorizing payments. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades voting NAY.

NUSF-108/ PO 4 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to make adjustments to its high-cost distribution mechanism and make revisions to its reporting requirements: Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier, to enter an Order of Findings and Conclusions regarding funding and data verification. Motion passed with Commissioners Mary Ridder, Tim Schram and Dan Watermeier voting AYE, Commissioner Crystal Rhoades voting NAY, and Commissioner Rod Johnson present not voting.

WC Docket No. 11-42 In the Matter of Lifeline and Link-Up Reform and Modernization. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Rod Johnson, to approve filing a Petition from the Nebraska Public Service Commission for a six-month waiver regarding implementation of the National Lifeline Eligibility Verifier. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Cullen Robbins discussed the FCC's denial of the Commission's petition for waiver.

Cullen Robbins discussed the update on Number Pooling Administrator's release of new area code exhaust projections.

## NATURAL GAS DEPARTMENT

NG-90.2 In the Matter of Black Hills/Nebraska Gas Utility, LLC, d/b/a Black Hills Energy, Papillion, seeking approval to adjust the surcharge for the Farm Tap Safety Program for the 2019-20 year. Motion made by Commissioner Rod Johnson, seconded by Commissioner Dan Watermeier, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

---

October 29, 2019

Page 10226

## NATURAL GAS DEPARTMENT (Cont.)

NG-100        In the Matter of the Joint Application of Black Hills Gas Distribution, LLC, and Black Hills/Nebraska Gas Utility Company, LLC, Rapid City, South Dakota, seeking approval to consolidate the Nebraska tariffs, assets, liabilities, and operations of the two companies, and to rename the consolidated entity Black Hills Nebraska Gas, LLC. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NG-102/  
PI-225        In the Matter of the Commission, on its own motion, seeking to review policies and practices relating to the administration of customer choice programs for natural gas service offered within the State of Nebraska. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Tim Schram, to enter Progression Order #1. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE.

NG-103        In the Matter of Three River Energy Company, Winnebago, Nebraska, seeking to withdraw its authority as a competitive natural gas provider in the State of Nebraska.

NG-104        In the Matter of nTherm, LLC, Denver, Colorado, seeking to withdraw its authority as a competitive natural gas provider in the State of Nebraska. Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier, to enter orders granting the applications. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NG-13/  
PO-65        In the Matter of the Commission, on its own motion, to evaluate and establish, on a quarterly basis, an assessment for jurisdictional utilities pursuant to the State Natural Gas Regulation Act, Neb. Rev. Stat. §66-1801 et seq. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter Progression Order #65; Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

---

October 29, 2019

Page 10227

## NATURAL GAS DEPARTMENT (Cont.)

- NG-90.2 In the Matter of Black Hills/Nebraska Gas Utility, LLC, d/b/a Black Hills Energy, Papillion, seeking approval to adjust the surcharge for the Farm Tap Safety Program for the 2019-20 year.
- NG-100 In the Matter of the Joint Application of Black Hills Gas Distribution, LLC, and Black Hills/Nebraska Gas Utility Company, LLC, Rapid City, South Dakota, seeking approval to consolidate the Nebraska tariffs, assets, liabilities, and operations of the two companies, and to rename the consolidated entity Black Hills Nebraska Gas, LLC.
- NG-101/ In the Matter of the Commission, on its own motion, PI-224 opening an investigatory docket for the purpose of general monitoring of issues regarding the natural gas industry and jurisdictional utilities in Nebraska.
- NG-101.1 Black Hills/Nebraska Gas Utility Company, LLC, and Black Hills Gas Distribution, LLC, d/b/a Black Hills Energy.
- NG-102/  
PI-225 In the Matter of the Commission, on its own motion, seeking to review policies and practices relating to the administration of customer choice programs for natural gas service offered within the State of Nebraska. Motion made by Commissioner Rod Johnson, seconded by Commissioner Dan Watermeier, to enter assessment orders in Dockets NG-90.2; NG-100; NG-101/PI-224; NG-101.1; and NG-102/PI-225. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

## GRAIN WAREHOUSE DEPARTMENT

- GW-2197 In the Matter of Jelinek Custom Cleaning, Inc., Alliance, Nebraska, seeking authority as a grain warehouse pursuant to Neb. Rev. State. § 88-528 (Reissue of 2008). Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier to enter an order granting the Grain Warehouse License. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram, and Dan Watermeier voting AYE.

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

October 29, 2019

Page 10228

## GENERAL ADMINISTRATION

Executive Director's recommendation to approve Commission invoices. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present not voting.

The following invoices were paid between 10-09-2019 and 10-28-2019 and should be ratified:

Mark Luttich	\$	890.60
Mary Ridder		1,229.60
Crystal Rhoades		143.84
Crystal Rhoades		353.04

## GENERAL ADMINISTRATION (Cont.)

Executive Director's recommendation to approve Commissioner Crystal Rhoades to travel to and attend the National Association of Regulatory Utility Commissioners' (NARUC) Annual Meeting and Education Conference from November 16 through November 19, 2019; Executive Director's recommendation to approve Commissioner Mary Ridder to travel to and attend the National Association of Regulatory Utility Commissioners' (NARUC) Annual Meeting and Education Conference from November 17 through November 19, 2019; Executive Director's recommendation to approve Commissioner Tim Schram to travel to and attend the National Association of Regulatory Utility Commissioners' (NARUC) Annual Meeting and Education Conference from November 17 through November 19, 2019; Executive Director's recommendation to approve Commissioner Dan Watermeier to travel to and attend the National Association of Regulatory Utility Commissioners' (NARUC) Annual Meeting and Education Conference from November 17 through November 19, 2019; and Executive Director's recommendation to approve Shana Knutson to travel to and attend the National Association of Regulatory Utility Commissioners' (NARUC) Annual Meeting and Education Conference from November 15 through November 20, 2019. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present not voting.

Executive Director's recommendation to adopt the revised Public Comment Policy, to take effect at the next regularly scheduled Commission Meeting. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

---

October 29, 2019

Page 10229

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The meeting adjourned at 10:55 a.m. with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier present. The next regularly scheduled meeting will be held on November 5, 2019 at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on November 4, 2019.

  
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Chair

  
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Executive Director